

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #66-18**

**Franklin Township, Somerset County**

WHEREAS, Franklin Township, Somerset County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification on December 31, 2008 of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, Franklin's petition was deemed complete on April 13, 2009; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, Franklin Township published notice of its petition in the *Courier News* on April 22, 2009, which is a newspaper of general circulation within the county; and

WHEREAS, during the 45-day objection period, which ended June 6, 2009, COAH received objections to Franklin's Housing Element and Fair Share Plan from Art Bernard, PP, on behalf of American Properties, at Cedar Grove Lane, LLC (American Properties); Steven Firsker, Esq. and Paul Grygiel, PP/AICP, on behalf of JP Nash/Edgewood Properties (JP Nash); Steve Rubin on behalf of Kings Row Homes, LLC (KRH); and Louise LeGoff of behalf of the Franklin Township Community Force (FTCF); and

WHEREAS, the Fair Share Housing Center (FSHC) submitted comments to the Township's plan that the Township has addressed; and

WHEREAS, a COAH Pre-mediation Report Requesting Additional Information was issued on January 6, 2010; and

WHEREAS, mediation between the Township and the parties took place in COAH's offices in Trenton on April 6, 2010; and

WHEREAS, the mediation in these matters did not result in settlements and the mediator determined that further mediation before COAH would not result in negotiated settlements; and

WHEREAS, the mediator finds that there are no contested issues of material fact which necessitate referral to the Office of Administrative Law (OAL); and

WHEREAS, Franklin Township's fair share plan addresses its 142-unit rehabilitation obligation, 766-unit prior round obligation and 965-unit net projected growth share obligation pursuant to Appendix F of N.J.A.C. 5:97; and

WHEREAS, Franklin Township's plan proposes to address its 16-unit rehabilitation obligation with 60 credits for units rehabilitated subsequent to April 1, 2000 through the Township's own rehabilitation program, and an 82-unit municipally sponsored rehabilitation program; and

WHEREAS, Franklin Township's plan proposes to address its 766-unit prior round obligation with 766 credits, including: 100 prior cycle credits for age-restricted units in the Central Jersey Home for the Aging; 26 prior cycle credits for family sale units in the Society Hill I inclusionary development; 100 credits and 100 rental bonuses for completed family rental units in the Whitehall Gardens inclusionary development; 48 credits and 40 rental bonuses for completed family rental units in the Countryside Apartments inclusionary development; 56 credits for completed family sale units in the Society Hill II inclusionary development; 64 credits for completed family sale units in the Society Hill III inclusionary development; 73 credits for completed family sale units in the Beacon Hill/Society Hill V inclusionary development; 37 credits for completed family sale units in the Society Hill VI inclusionary development; 27 credits for completed family sale units in the Quailbrook East/Quailcrest inclusionary development; 66 credits for group home/special needs bedrooms; and 29 RCA credits through completed RCAs with Perth Amboy; and

WHEREAS, Franklin Township's plan proposes to address a portion of its 965-unit net projected growth share obligation with 35 surplus credits for completed family sale units in the Society Hill VI inclusionary development; 79 credits for completed family sale units in the Wynnefield/ Society Hill VIII inclusionary development; 84 credits for completed family rental units in the Somerset Park/Westminster Mews inclusionary development; four credits and one rental bonus for the Devereux New Jersey group home; four credits and one rental bonus for the Enable, Inc. II group home; three credits and one rental bonus for the Phoenix Corp. group

home; 11 credits for Habitat for Humanity sale units; 85 credits for age-restricted rental units in the Hidden Brook at Franklin 100% affordable development; one credit for a family sale unit in the Fama inclusionary development; five credits for family sale units in the Florez inclusionary development; one credit for a family sale unit in the Horne development; 65 credits and 65 rental bonuses for family rental units in the Franklin Commons 100% Affordable Redevelopment Project; one credit for a family rental unit in the Kovacs inclusionary development; 28 credits for family rental units in the Cedar Manor inclusionary development; 92 credits and 88 rental bonuses for family rental units in the Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project; one credit for a family rental unit in the Ramirez inclusionary development; and eight credits for family sale units in the Somerset Douglas inclusionary development, for a total of 663 credits and bonuses; and

WHEREAS, Franklin Township's plan proposes to address its remaining 302-unit projected growth share obligation with five proposed family sale Habitat for Humanity units; 130 proposed family rental units and 50 proposed age-restricted rental units in the Summerfields inclusionary development; 58 proposed family rental units in the Laduree inclusionary development; 38 proposed age-restricted rental units in the Springhill inclusionary development; 24 family sale units in a proposed municipally sponsored 100% affordable project on Campus Drive; 105 family sale units and 35 redevelopment bonuses in the Leewood Redevelopment Area; 68 family rental units and 68 age-restricted rental units in a proposed municipally sponsored 100% affordable project known as Parkside; and 50 family rental units and 50 rental bonuses in a proposed municipally sponsored 100% affordable project to be developed by Pennrose; and

WHEREAS, Franklin Township's plan results in a 379-unit surplus; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Franklin has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 for the future proposed 24-unit municipally sponsored 100 percent affordable housing project(s) on Campus Drive; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on June 21, 2010, COAH issued a Mediation Report and a Compliance Report (Exhibit A) recommending approval of Franklin Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day comment period to submit comments to the COAH Compliance Report and Mediation Report pursuant to N.J.A.C. 5:96-6.2(b), and COAH received comments from Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), that have been responded to in a separate report dated July 15, 2010 (Exhibit B); and

WHEREAS, the comments received from FSHC do not alter the COAH Compliance or Mediation Report.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Franklin Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that the COAH Mediation Report for Franklin Township is accepted; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Franklin Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Franklin Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification, which includes the affordable housing ordinance, resolution of intent to bond and all zoning ordinances; and

BE IT FURTHER RESOLVED that if Franklin Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Franklin shall submit all Fair Share Ordinances to COAH within seven days of adoption; and

BE IT FURTHER RESOLVED that Franklin shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Franklin's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Franklin's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Franklin and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedules pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Franklin Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Franklin shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Franklin's substantive certification shall remain in effect until December 31, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Franklin Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on July 15, 2010

A handwritten signature in black ink, reading "Renée Reiss". The signature is written in a cursive style with a large, looping initial "R".

Renée Reiss, Secretary  
Council on Affordable Housing

# ***Exhibit A***



***Council on Affordable Housing  
Compliance Report  
June 21, 2010***



**Municipality:** Franklin Township  
**County:** Somerset County

**COAH Region:** 3  
**Planning Area:** 1, 2, 3, 4, 4B, 5  
**Special Resource Area:** None

**Housing Element and Fair Share Plan Adopted:** 12/8/2008  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** 12/31/2008  
**Completeness Determination:** 4/13/2009  
**Date of Publication:** 4/22/2009

**Objections Received:** Yes

1. American Properties at Cedar Grove Lane, LLC
2. JP Nash/Edgewood Properties
3. Kings Row Homes, LLC
4. Franklin Township Community Force
5. Comment Received by: Fair Share Housing Center

**Mediation Commenced:** April 6, 2010

**Mediation Concluded:** April 6, 2010

**Petition Includes:**

**VLA:** No

**GPA:** No

**Waiver:** No

**Date of Site Visit:** November 20, 2009

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>	9/28/1987		
<b>Second Round:</b>	7/9/1997		
<b>Extended Certification:</b>	3/9/2005		

**Plan Preparer:** James N. Bell, P.P., AICP – Melvin Design Group

**Municipal Housing Liaison:** Mark Healey, P.P., AICP – Director of Planning

**Recommendation:** Grant Substantive Certification



***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	142
Prior Round Obligation	766
Projected Growth Share Obligation (Net)	965

***ACTUAL GROWTH and GROWTH SHARE through September 2008<sup>1</sup>***

<b>Res Units (#)</b>	<b>Actual Res Growth Share</b>	<b>Jobs (#)</b>	<b>Actual Non-Res Growth Share</b>	<b>Actual TOTAL Growth Share</b>
2,371	474.2	4,122	257.6	732 units

***COMPLIANCE PLAN SUMMARY***

<b>Obligation</b>	<b>Credit/ Mechanism Type</b>	<b># Units Completed</b>	<b># Units Proposed</b>	<b>TOTAL</b>
<b>Rehabilitation: 142 units</b>				
<b>Credits</b>	Post-April 1, 2000	60		60
<b>Program(s)</b>	Municipal		82	82
<b>Rehabilitation Subtotal</b>				<b>142</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 766 units</b>				
<b>Credits</b>	Prior Cycle	126		126
	Post-1986	471		471
	RCA	29		29
<b>Prior Round Bonus(es)</b>	Rental	140		140
<b>Prior Round Subtotal</b>				<b>766</b>
<b>Growth Share: 965 units</b>				
<b>Credits</b>	Post-1986	507		507
<b>Proposed Mechanism(s)</b>	Inclusionary Development		276	276
	Municipally Sponsored 100% Affordable		215	215
	Redevelopment		105	105
<b>Growth Share Bonus(es)</b>	Rental	156	85	241
<b>Growth Share Subtotal</b>				<b>1,344</b>
<b>Surplus</b>				<b>+379</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

## **I. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Franklin's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

### **A. Rehabilitation Share**

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Franklin Township's rehabilitation share is 142 units.

### **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Franklin has a prior round obligation of 766 units.

### **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Franklin has a residential projection of 3,583 units and a non-residential projection of 6,853 jobs, which results in an initial projected growth share obligation of 1,145 affordable units.

On July 2, 2009, P.L. 2009, c. 82 was signed into law allowing developers to request that previously approved age-restricted developments be converted to non-age-restricted developments as long as 20 percent of the units are deed restricted for low- or moderate-income households. The law also states, “no affordable housing units complying with applicable Council on Affordable Housing standards or market-rate housing units associated with such a converted development shall be construed as generating any fair share affordable housing obligation for a municipality.” The Summerfields project received approval as a “converted development” pursuant to P.L. 2009, c. 82. According to the legislation, the units associated with this development are eligible to be deducted from the Township’s projected residential growth for the purpose of calculating a growth share obligation.

Franklin’s total projected growth for the period 1999-2018 is 3,583 residential units. With the conversion of the Summerfields development, 900 residential units are subtracted from this projection, for a total net residential project of 2,681 units. In addition, the Township subtracted other allowable exclusions itemized in Worksheet A (Attachment 1). However, the supportive/special needs projects were not excluded properly. N.J.A.C. 5:97-2.4(a)1.ii provides that only projects addressing a prior round obligation may be excluded from the residential growth. In addition, group homes are not excluded by the bedroom, but excluded by the certificate of occupancy issued for the building. Only two group homes addressing the Township’s prior round obligation were constructed after January 1, 2004. As a result, the Township may only exclude two group homes’ certificates of occupancies. Therefore, the Township’s revised growth share therefore consists of a 536.2-unit residential component, and a 428.31-unit non-residential component, for a net projected growth share of 965 affordable units.<sup>2</sup>

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<sup>2</sup> Pursuant to N.J.A.C. 5:97-2.2(d), Franklin’s residential projection of 2,681 is divided by 5 to yield 536.2 units and the nonresidential projection of 6,853 jobs is divided by 16 to yield 428.31 units. Franklin’s total projected growth share is therefore 945 units (536.2 + 428.31).

## SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	142
Prior Round Obligation	766
Projected Growth Share Obligation (Net)	965

## II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Franklin Township's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

### A. Plan to Address Rehabilitation Share

#### **Rehabilitation Share Credits**

Franklin is requesting credit for 60 units rehabilitated subsequent to April 1, 2000, through the Township's own rehabilitation program. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

#### **Rehabilitation Credits**

<b>Rehabilitation Program</b>	<b># Credits</b>
Franklin Rehab Program	60
<b>TOTAL</b>	<b>60</b>

**Proposed Rehabilitation Program(s)**

***Franklin Rehabilitation Program***

Franklin currently implements a municipally sponsored rehabilitation program for the rehabilitation of deficient units within the Township. The rehabilitation program must adhere to the regulations in N.J.A.C. 5:97-6.2, including having the program available to both owner-occupied and renter-occupied units. All units undergoing rehabilitation must have 10-year controls on affordability in place. In addition, the rehabilitation investment for hard costs must average at least \$10,000 per unit, address all safety code violations, and include the rehabilitation of a major system. Franklin has provided an operating manual and affirmative marketing plan for the administration of the program, which includes a rental rehabilitation program. The rehabilitation program is funded through Community Development Block Grants (CDBG) that the Township receives directly from HUD and Neighborhood Preservation Program (NPP) funds from DCA. Franklin will fund the rental rehabilitation program with various funding sources including the Township's affordable housing trust fund. The Township has provided an implementation schedule for the rehabilitation program that provides sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of the substantive certification period. Franklin has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

**[82-unit rehabilitation program]**

**Proposed Rehabilitation Program(s)**

<b>Rehabilitation Program</b>	<b># Units</b>
Franklin Rehab Program	82
<b>TOTAL</b>	<b>82</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Credits**

Franklin is addressing its 766-unit prior round obligation with 126 prior cycle credits and 500 post-1986 credits and 140 bonuses, totaling 766 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Prior Cycle Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Total Units/Bedrooms</b>
Central Jersey Home for the Aging	1986	Age-restricted Rental	100	<b>100</b>
Society Hill I Inclusionary Development	1985	Family For-Sale	26	<b>26</b>
<b>TOTALS</b>			<b>126</b>	<b>126</b>

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Whitehall Gardens Inclusionary Development	1994	Family Rental	100	Rental	100	<b>200</b>
Countryside Apartments Inclusionary Development	1995	Family Rental	48	Rental	40	<b>88</b>
Society Hill II Inclusionary Development	1986	Family For-Sale	56	-	-	<b>56</b>
Society Hill III Inclusionary Development	1988	Family For-Sale	64	-	-	<b>64</b>

Beacon Hill/Society Hill V Inclusionary Development	1989	Family For-Sale	73	-	-	<b>73</b>
Society Hill VI Inclusionary Development <sup>3</sup>	1990	Family For-Sale	37			<b>37</b>
Quailbrook East/Quailcrest Inclusionary Development	1988	Family For-Sale	27	-	-	<b>27</b>
Alternatives, Inc. I	1988	Supportive/Special Needs Housing	11	-	-	<b>11</b>
ARC group home	1987	Supportive/Special Needs Housing	3			<b>3</b>
Venice Avenue Community Residence	1994	Supportive/Special Needs Housing	3	-	-	<b>3</b>
Center for Family Support group home	1998	Supportive/Special Needs Housing	5	-	-	<b>5</b>
Developmental Disabilities group home	1999	Supportive/Special Needs Housing	3	-	-	<b>3</b>
Enable, Inc. I	2001	Supportive/Special Needs Housing	4	-	-	<b>4</b>
Matheny Group Home I	1997	Supportive/Special Needs Housing	5	-	-	<b>5</b>
Matheny Group Home II	2001	Supportive/Special Needs Housing	6	-	-	<b>6</b>
NJ Assoc. of Deaf/Blind Inc. group home	2003	Supportive/Special Needs Housing	4	-	-	<b>4</b>
Allies group home	2004	Supportive/Special Needs Housing	5	-	-	<b>5</b>
Allisa Care group home	2004	Supportive/Special Needs Housing	5	-	-	<b>5</b>
Community Options group home	1996	Supportive/Special Needs Housing	3	-	-	<b>3</b>

<sup>3</sup> The project contains 72 affordable sale units. 37 of the units will be used to address the Township's prior round obligation and the remaining 35 unit will be carried over to the growth share obligation.

Cedar Grove Development group home	2001	Supportive/Special Needs Housing	3	-	-	<b>3</b>
Resource Center for Women & Families	1997	Supportive/Special Needs Housing	6	-	-	<b>6</b>
Perth Amboy RCA	1988	RCA	29	-	-	<b>29</b>
<b>TOTALS</b>			<b>500</b>		<b>140</b>	<b>640</b>

**Proposed Affordable Housing Mechanisms**

Franklin Township is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its Prior Round Obligation.

**Prior Round Obligation Parameters**

Franklin Township has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>4</sup> 160 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Whitehall Gardens Inclusionary Development	Family Rentals	100
Countryside Apartments Inclusionary Development	Family Rentals	48
Group Homes/Supportive Housing	Supportive/ Special Needs	66
<b>TOTAL</b>		<b>214</b>

**Regional Contribution Agreement (RCA) Maximum:<sup>5</sup> 361 Units**

<b>Receiving Municipality(s)</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Perth Amboy RCA	RCA	29
<b>TOTAL</b>		<b>29</b>

<sup>4</sup> Rental Obligation= .25 (Prior Round Obligation-Prior Cycle Credits) or .25(766-126) = 160 N.J.A.C. 5:97-3.10(b)1

<sup>5</sup> RCA Maximum: .50(Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits) or .50(766+142-126-60) = 361 units N.J.A.C. 5:97-3.10(d)1



**Prior Round Rental Bonus Maximum:<sup>6</sup> 160 Units**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
Whitehall Gardens Inclusionary Development	Family Rentals	100
Countryside Apartments Inclusionary Development	Family Rentals	40
<b>TOTAL</b>		<b>140</b>

**C. Plan to Address Projected Growth Share**

**Growth Share Credits**

Franklin is addressing a portion of the 965 net projected growth share obligation with 507 units of credit and 123 bonuses for built and approved units, for a total of 630 credits and bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

***Supportive and Special Needs Housing- Center for Great Expectations***

In 2008, two new transitional living facilities totaling 16 bedrooms were constructed in the Township, known as the Center for Great Expectations. However, pursuant to N.J.A.C. 5:97-4.3(c), COAH no longer provides credit for transitional living facilities completed after December 20, 2004. **[0 Supportive/Special Needs bedrooms]**

**Approved But Not Constructed**

***Cerda Inclusionary Development***

Franklin's plan originally requested one credit for an affordable unit in an inclusionary project, known as the Cerda site. The development is located at 195 Churchill Avenue (Block 94, Lots 27-31). The site was granted preliminary and final subdivision approval on July 19, 2006, but is not constructed yet. The development involves a four lot subdivision, of which the

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<sup>6</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation or 160 N.J.A.C. 5:97-3.5

resolution granting approval requires that one of the units be an affordable family for-sale unit. The Township is no longer requesting credit for this unit. **[0 credits]**

### ***Fama Inclusionary Development***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Fama site. The development is located at 126 Churchill Avenue (Block 102, Lot 3). The site was granted Zoning Board of Adjustment (ZBA) approval on October 4, 2007, but is not constructed yet. The development involves the conversion of an existing non-legal two-family dwelling unit into two legal dwelling units, of which the resolution granting approval requires that one of the units be an affordable family rental unit. The development will be served by public water and sewer. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family for-sale credit]**

### ***Florez Inclusionary Development***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for affordable units in an inclusionary project, known as the Florez site. The development is located at 453-455 Franklin Boulevard (Block 235, Lots 9-10). The site was granted ZBA approval on June 5, 2008, but is not constructed yet. The development involves the construction of 28 townhomes, of which the resolution granting approval requires that five of the units be affordable family for-sale units. There are some wetlands on the property but they will not impact the developability of the property. The development will be served by public water and sewer. There are existing structures on the property that will be demolished.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[5 post-1986 family for-sale credits]**

### ***Franklin II Associates Inclusionary Development***

Franklin's Fair Share Plan originally requested credit for affordable units in a mixed-use inclusionary project, known as the Franklin II Associates site. The development is located at 163 Weston Road (Block 514, Lot 56). The site was granted ZBA approval on September 21, 2006, but is not constructed yet. The development involves the construction of 279 townhomes and/or apartments, 50,000 square feet of commercial space, 70,000 square feet of professional/medical offices, and six acres for a YMCA. The resolution granting approval requires that 15 percent of the units be affordable family units and that four percent be affordable family rental units. The site is 62 acres and has frontage on Weston and Mettlers Road. The site is located in Planning Area 4B. There are 8.5 acres of wetlands on the property but they will not impact the developability of the property. There are existing structures on the property that will be demolished.

As a result of input provided by the Franklin Township Sewerage Authority indicating that there is no sewer infrastructure in the area of the project, the Township is not requesting credit for this project at this time. However, the Township indicates that the approval is still valid as a result of the Permit Extension Act. **[0 credits]**

### ***Horne Associates Development***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Horne Associates site. The development is located at 65 Blair Avenue (Block 107, Lots 22-25). The site was granted ZBA approval on October 19, 2006, but is not constructed yet. The development involves the demolition of a home and the construction of a two-family home, of which the resolution granting approval requires that one of

the units be an affordable family for-sale unit. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family for-sale credit]**

### ***Franklin Commons 100% Affordable Project***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for affordable units in a 100 percent affordable project known as Franklin Commons, located in the designated Renaissance 2000 Redevelopment Area. The Renaissance 2000 Redevelopment Area consists of approximately 47.5 acres and is located along Route 27, between Churchill Avenue and Millstone Road. Franklin designated the property an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law (LRHL) in 1997. The Franklin Commons project is part of the initial phase of the redevelopment. Franklin Boulevard Commons Urban Renewal Associates, L.P. received preliminary site plan approval on August 1, 2007, for the Franklin Commons project, but the project is not constructed yet. The project received final site plan approval on March 4, 2009. Franklin has also submitted the redevelopment agreement for the Renaissance 2000 Redevelopment Area that was executed on May 7, 2008. The development involves the removal of one story dwelling units and gravel parking areas and the construction of one four story mixed-use building. The first floor will contain 21,036 square feet of retail space, 1,800 square feet of community space and a lobby for the residential tenants. The upper floors will contain 66 affordable family rental units, including one unit for a superintendent, which is not eligible for COAH credit. The Township states that seven of the units will be deed restricted for very-low income households.

The Township’s spending plan allocates \$1,500,000 for this project. COAH granted Franklin a waiver from N.J.A.C. 5:97-8.7(a) on October 26, 2009, in order for the Township to expend the \$1.5 million from the municipal housing trust fund for the Franklin Commons project prior to receiving approval of its spending plan. The project will also receive Low Income

Housing Tax Credits, Federal Home Loan Bank funds, an HMFA permanent loan, and a private construction loan. The project was awarded Low Income Housing Tax Credits from HMFA on June 5, 2009. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The proposed development area is bordered on the south by Fuller Street, on the east by Franklin Boulevard, on the north by Frank Street and on the west by Booker Street (Block 129, Lots 1-28). The property is 1.61 acres and occupies an entire block. It is located in Planning Area 1 in the CMMU (Churchill-Millstone Mixed-Use) Zoning District of the Renaissance Redevelopment Area. The development will be served by public water and sewer. There are no environmental constraints on the property.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[65 post-1986 family rental credits plus 65 rental bonuses]**

#### ***Girard 444 Inclusionary Development***

Franklin's plan originally requested one credit to for an affordable unit in an inclusionary project, known as the Girard site. The development is located at 444 Girard Avenue (Block 347, Lots 46-49). The site received minor subdivision approval on October 18, 2006, but is not constructed yet. The development involves the construction of two single family homes, of which the resolution granting approval requires that the home on lot 48.01 be an affordable family rental unit. The Township is no longer requesting credit for this unit. **[0 credits]**

#### ***Kovacs Inclusionary Development***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary mixed-use project, known as the Kovacs site. The development is located at the intersection of Hamilton Street and Home Street (Block 194, Lots 133-134). The site received site plan approval on October 4, 2006, but is not constructed yet. The site currently

contains a two-story mixed use building and a detached garage. The proposed development involves the demolition of the detached garage and the renovation of the two-story mixed use building. An additional story will also be added to the building. The first floor will contain three commercial spaces and the above floors will contain six residential units, of which the resolution granting approval requires that one of the units be an affordable family rental unit. The Township indicates that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family rental credit]**

#### ***Ramirez Inclusionary Development***

Pursuant to N.J.A.C. 5:97-4.3(a), Franklin is eligible to receive credit for an affordable unit in an inclusionary project, known as the Ramirez site. The development is located at 431 Berry Street (Block 291, Lots 9-12). The site received minor subdivision approval on June 7, 2006, but is not constructed yet. The site currently contains a one and one-half story single family dwelling that will remain on the property. The site will be subdivided into two new lots, of which the existing house will be on one lot, and the other lot will contain a new two-story single family unit. The resolution granting approval requires that the existing unit be deed restricted as an affordable family rental unit. The Township has reported that the deed restriction has not been filed yet, but that the approval remains valid due to the Permit Extension Act.

The affordable unit must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable unit, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[1 post-1986 family rental credit]**

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Society Hill VI Inclusionary Development surplus units <sup>7</sup>	1992	Family For-Sale	35	-	-	<b>35</b>
Wynnefield/ Society Hill VIII Inclusionary Development <sup>8</sup>	1992	Family For-Sale	79	-	-	<b>79</b>
Somerset Park/Westminster Mews Inclusionary Development	2001	Family Rental	84	-	-	<b>84</b>
Center for Great Expectations	2008	Supportive/Special Needs Housing	0	-	-	<b>0</b>
Devereux New Jersey group home	2007	Supportive/Special Needs Housing	4	Group Home Rental	1	<b>5</b>
Enable, Inc. II	2006	Supportive/Special Needs Housing	4	Group Home Rental	1	<b>5</b>
Phoenix Corp. group home	2006	Supportive/Special Needs Housing	3	Group Home Rental	1	<b>4</b>
Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	2008	Family For-Sale	3	-	-	<b>3</b>
Hidden Brook at Franklin 100% affordable	2004	Age-restricted Rental	85	-	-	<b>85</b>
Cerda Inclusionary Development <sup>9</sup>	2006	Family For-Sale	0	-	-	<b>0</b>
Fama Inclusionary Development <sup>9</sup>	2007	Family For-Sale	1	-	-	<b>1</b>

<sup>7</sup> The project contains 72 affordable sale units. 37 of the units will be used to address the Township's prior round obligation and the remaining 35 unit are carried over to the growth share obligation. The controls on affordability are in place for 30 years. Pursuant to N.J.A.C. 5:97-4.3(g), the controls on affordability are in place through 2020 for Society Hill VI.

<sup>8</sup> The controls on affordability are in place for 30 years. Pursuant to N.J.A.C. 5:97-4.3(g), the controls on affordability are in place through 2022 for Wynnefield /Society Hill VIII.

<sup>9</sup> Project is approved but not yet constructed.

Florez Inclusionary Development <sup>9</sup>	2008	Family For-Sale	5	-	-	<b>5</b>
Franklin II Associates Inclusionary Development <sup>9</sup>	2006	Family For-Sale	0	-	-	<b>0</b>
Franklin II Associates Inclusionary Development <sup>9</sup>	2006	Family Rental	0	-	0	<b>0</b>
Habitat for Humanity II <sup>10</sup>	various	Family For-Sale	8	-	-	<b>8</b>
Horne Associates Development <sup>9</sup>	2006	Family For-Sale	1	-	-	<b>1</b>
Franklin Commons 100% Affordable Redevelopment Project(Renaissance 2000 Redevelopment Area) <sup>9</sup>	2007	Family Rental	65	Rental	65	<b>130</b>
Girard 444 Inclusionary Development <sup>9</sup>	2006	Family Rental	0	-	-	<b>0</b>
Kovacs Inclusionary Development <sup>9</sup>	2006	Family Rental	1	-	-	<b>1</b>
Cedar Manor Inclusionary Development <sup>11</sup>	2007	Family Rental	28	-	-	<b>28</b>
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project (Renaissance 2000 Redevelopment Area) <sup>12</sup>	2007	Family Rental	92	Rental	88	<b>180</b>
Ramirez Inclusionary Development <sup>13</sup>	2006	Family Rental	1	-	-	<b>1</b>

<sup>10</sup> Franklin has a developer's agreement with the Franklin Valley Habitat for Humanity for the construction of an additional 13 units (two previous units were completed as part of Habitat 1 in 2008). Of the 13 units in Habitat 2, five are completed and have received certificates of occupancy and three are under construction. The eight units were part of the "Schedule A" list in the Habitat agreement. "Schedule B" consists of an additional five units.

<sup>11</sup> Cedar Manor is under construction.

<sup>12</sup> Berry Street contains 94 units; however, two of the units are superintendent units, which are not eligible for COAH credit.

<sup>13</sup> Ramirez is constructed, but a deed restriction has not yet been placed on the unit.



Somerset Douglas Inclusionary Development- (Renaissance 2000 Redevelopment Area) <sup>14 15</sup>	2005	Family For-Sale	8	-	-	8
<b>TOTALS</b>			<b>507</b>		<b>156</b>	<b>663</b>

### **Proposed Affordable Housing Mechanisms**

The Township proposes to address its remaining 302-unit projected growth share obligation through the following mechanisms:

#### ***Habitat for Humanity II Sites - Municipally Sponsored 100 percent Affordable Development***

Pursuant to N.J.A.C. 5:97-6.7, Franklin proposes to transfer an additional five municipally owned properties to Habitat for Humanity to provide an additional five family for-sale units. On June 24, 2008, Franklin and the Franklin Valley Habitat for Humanity executed a developer's agreement for 13 total units. The contract provides that Habitat will compensate the Township \$5,000 per buildable lot. The agreement provides for two schedules. "Schedule A Properties" consists of eight units on the following properties:

37 Irvington Ave (Block 320, Lot 38.01)  
130 Girard Ave (Block 309, Lot 36.02)  
131 Girard Ave (Block 309, Lot 1.01)  
134 Girard Ave (Block 308, Lot 37.02)  
135 Girard Ave (Block 307, Lot 7.01)  
Clifton Street/Franklin Blvd:  
(Block 280, Lot 4.01)  
(Block 280, Lot 5)  
(Block 280, Lot 6.01)

Of these, five units are completed and have received certificates of occupancy and three are under construction.

<sup>14</sup> Somerset Douglas is under construction.

<sup>15</sup> Franklin requested three redevelopment bonuses for this project. However, the project only has a 7.5 percent set-aside. N.J.A.C. 5:97-3.19 requires a minimum 15 percent set-aside.

“Schedule B Properties” consists of five units on the following properties:

18 Viking Ave (Block 287.02, Lots 24-27)  
Baier Ave/Lewis St (Block 217, Lot 101)  
70 Garfield Ave (Block 558, Lots 6-9)  
73 Garfield Ave (Block 554, Lots 17-20)  
575 Garfield Ave/Equator Ave (Block 556, Lots 12-14)

The Township’s spending plan allocates \$125,000 for the Habitat for Humanity scattered site infill project. The Township indicates that the funds will be used for public infrastructure improvement costs, such as roadway improvements and utility extensions. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 for the additional five units. The Township’s mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d), with building permits anticipated to being issued by August 2011 and certificates of occupancy being issued by June 2014.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[5 family for-sale units]**

### ***Summerfields Inclusionary Development***

The Summerfields site was originally granted General Development Plan approval on September 21, 2005, minor subdivision approval on August 2, 2006, and preliminary major site plan and subdivision approval on September 20, 2006, for 900 total units, of which 750 would be age-restricted units. The project was to have an 11.33 percent set-aside under the original

approval, or 102 affordable units.

Subsequently, the developer proposed an alternative breakdown of the project to the Township. The Township's 2008 Fair Share Plan included the project for 796 total units, which included 58 affordable family rental units and 62 affordable age-restricted rental units. In addition, at that time, the Township anticipated deed restricting 35 of the family rental units as very-low income units. However, the project was never formally approved by the Township's Planning Board as presented in the Fair Share Plan.

On July 2, 2009, P.L. 2009, c. 82 was signed into law allowing developers to request that previously approved age-restricted developments be converted to non-age-restricted developments as long as 20 percent of the units are deed restricted for low- or moderate-income households. The law also states, "no affordable housing units complying with applicable Council on Affordable Housing standards or market-rate housing units associated with such a converted development shall be construed as generating any fair share affordable housing obligation for a municipality." Franklin's Planning Board granted the developer of the Summerfields development amended General Development Plan approval on February 3, 2010, as a "converted development" pursuant to P.L. 2009, c. 82. The development will now contain the following revised housing mix: 720 market rate units consisting of a mixture of single family detached units, townhouses and apartments; 180 affordable rental units, consisting of 130 family units, 50 age-restricted apartments, and 24 very-low income family units. Therefore, the project will now have a 20 percent set-aside. The number of very-low income units was reduced from 35 to 24 units. According to the legislation, the units associated with this development are eligible to be deducted from the Township's projected residential growth for the purpose of calculating a growth share obligation, which is reflected in a revised Worksheet A (Attachment 1).

Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed May 25, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Summerfields site is located in the northwestern part of the Township at the northwest corner of the intersection of Schoolhouse Road and Randolph Road

(Block 516, Lots 4.01, 6.04 & 15). The 169.55 acre site has frontage along Weston Canal Road and the site is owned by Summerfields at Franklin. The site is surrounded by the M1 Light Manufacturing Zone, Senior Village Zone, and Agricultural Zone.

The Summerfields site is located in Planning Area 2. There are wetlands surrounding a Category-2 stream (Randolph Brook) on Lot 6.04, but the majority of the site is developable. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[130 family rental units & 50 age-restricted rental units]**

### ***Laduree Inclusionary Development***

The Laduree site was originally proposed in the Township's Fair Share Plan for 384 total units, which included 26 affordable family rental units and 32 affordable age-restricted rental units. In addition, the Township was proposing to deed restrict 15 of the family rental units and 20 of the age-restricted units as very-low income units. The site was originally granted site plan approval on June 2, 1999, for 400 total market rate age-restricted units consisting of independent, assisted living and special needs units, a 25,000 square foot medical building and two additional buildings housing support services. On September 1, 2004, amended site plan approval was granted for 384 independent living age-restricted units, eliminating the other buildings and reducing the medical office building to 5,200 square feet. Subsequent to the 2004 amended approval, the developer agreed to provide a 15 percent set-aside.

In order to ensure compliance with the Federal Fair Housing Act, the Laduree development will be modified to be entirely non-age-restricted. Therefore, the total number of units would remain at 384 units, including 58 family rental units (15 percent set-aside). Of the 58 affordable family rental units, 35 of them will be very-low income units.

The site is presently zoned R-20. Franklin has submitted a revised draft amended zoning

ordinance changing the zoning to PRC (Planned Residential Community). The zoning ordinance must be adopted within 45 days of substantive certification. The site is proposed to be developed at a gross density of 10 units per acre with a 15 percent set-aside, which is below the minimum presumptive density for rental units pursuant to N.J.A.C. 5:97-6.4(b)6.i. Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed June 16, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Laduree site is located in the northeastern part of the Township at the corner of Easton Avenue and DeMott Lane (Block 424.01, Lot 39.07). The site is owned by Somerset Grand, LLC c/o Pinnacle Co. The site is approximately 42 acres. The site is surrounded by the R-40 and R-20 Residential Zones.

The Laduree site is located in Planning Area 1. There are wetlands associated with a Category-2 stream (Delaware and Franklin Canal), but the majority of the site is developable. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[58 family rental units]**

### ***Springhill Inclusionary Development***

The Springhill site is included in the Township's plan for 127 total units in an independent senior living facility, which includes 38 affordable age-restricted rental units. In addition, the Township is proposing to deed restrict 10 of the age-restricted units as very-low income units. The site previously contained a nursing home, but the building has been demolished.

The site is presently zoned R-15. Franklin has submitted a draft amended zoning

ordinance changing the zoning to ISL (Independent Senior Living). The zoning ordinance must be adopted within 45 days of substantive certification. The site is proposed to be developed at a gross density of 25 units per acre with a 30 percent set-aside, which is above the maximum presumptive set-aside for rental units pursuant to N.J.A.C. 5:97-6.4(b)6.i. Pursuant to N.J.A.C. 5:97-6.4(b)3.ii, Franklin has submitted an executed agreement between the Township and developer (executed May 28, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site.

Pursuant to N.J.A.C. 5:97-3.13, the Township indicates that the portion of the site that will be developed is suitable. The Springhill site is located in the northeastern part of the Township along Hamilton Street between Girard Avenue and Wheeler Place (Block 347, Lot 7). The site is owned by Spring Hills Senior Communities. The site is approximately five acres. The site is surrounded by the R-10 and R-20 Residential Zones.

The Springhill site is located in Planning Area 1. There are wetlands on the property, but the new building will be located in the same area that previously contained the nursing home, which is free from environmental constraints. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). **[38 age-restricted rental units]**

### ***Campus Drive 100 Percent Affordable Municipally Sponsored Project***

Pursuant to N.J.A.C. 5:97-6.7, Franklin is proposing to construct 24 affordable for-sale units in a 100 percent affordable project on a 3.1 acre property that the Township owns.

The Campus Drive site is located in the northern portion of the Township at 201 Campus Drive (Block 536.01, Lot 2.03). Pursuant to N.J.A.C. 5:97-3.13, the portion of the site that will be developed is suitable. The site is located in Planning Area 1. DEP's GIS maps show that the parcel consists of 2.43 acres of wetlands; however, the Township's information maintains that

the site is mainly flat and dry and is free from wetlands. The Township has stated that it will obtain a Letter of Interpretation (LOI) from DEP prior to developing the property. The Township states that the site can accommodate the 24 units. The site has frontage along Campus Drive and commercial properties and single-family residential houses surround the property. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Campus Drive site is currently located in the CB (Corporate Business) Zone. Franklin has submitted a draft amended zoning ordinance changing the zoning to MR (Multi-family Residential) Zone. The zoning ordinance must be adopted within 45 days of substantive certification.

Franklin does not anticipate utilizing any affordable housing trust funds for this development. Since the parcel is Township owned, the Township anticipates that the Township subsidy would be in the form of reduced land cost to the development. However, the Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d). The Township anticipates that it will issue a Request for Proposals subsequent to substantive certification and that the project will receive site plan approvals in January 2011. Franklin anticipates that the project will received certificates of occupancy in March 2013.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[24 family for-sale units in a municipally sponsored 100 percent affordable development]**

***Parkside 100 Percent Affordable Municipally Sponsored Project***

Parkside is the redevelopment of a 100-unit HUD rental project that will contain 146 units after it is redeveloped. The Township's plan requests 46 family rental credits for the project. However, it was later determined by COAH staff that the Township could be eligible to receive full credit for the 146 units.

The Township later indicated that the project would contain 140 total affordable units, including a 70-unit senior apartment building, and 70 units in 35 two-family homes. Franklin indicates that 40 of the units will be very-low income. A total of three units will be caretaker residences, so the Township is requesting credit for 69 age-restricted rental units and 68 family for-sale units. Due to the age-restricted cap, only 68 out of the 69 age-restricted units are eligible for credit.

The Franklin Township Housing Authority owns the site and has conducted a feasibility study for the proposed redevelopment. Franklin has submitted an executed agreement between the Township and developer, RPM Development, LLC, (executed April 23, 2010) setting forth mutually agreed to terms for the production of affordable housing on this site. The Township amended the zoning to allow for this redevelopment on March 17, 2008.

The first phase of the project (70 age-restricted units) has received preliminary major site plan approval and minor subdivision approval from the Township Planning Board on April 1, 2009, and final site plan approval on January 6, 2010. Development of this phase is anticipated to start shortly. The second phase of the development (the remaining 70 non-age-restricted units) received preliminary major site plan approval and major subdivision approval from the Township Planning Board on January 20, 2010. Development of this phase is anticipated to start in August 2010.

The Parkside site is located in the northeastern portion of the Township on Parkside and Mark Streets (Block 146, Lots 1-40; Block 148, Lot 12; Block 150, Lots 1, 2.01). The Township indicates that the majority of the site is in the Renaissance 2000 Redevelopment Area. Pursuant to N.J.A.C. 5:97-3.13, the portion of the site that will be developed is suitable. The parcels consist of approximately eight acres collectively. The parcels are located in Planning Area 1 and there are no environmental constraints on the site. There are recreational and residential uses



surrounding the property. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Township indicates that the project will be funded with Low Income Housing Tax Credits, Replacement Housing Factor Funds, the Tax Credit Assistance Program, HMFA permanent loan, and a private construction loan. HMFA permanent mortgage for the 70-unit family component was approved by HMFA in February 2010. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[68 family rental units and 68 age-restricted rental units in a municipally sponsored 100 percent affordable development]**

***Pennrose 100 Percent Affordable Municipally Sponsored Project***

Pursuant to N.J.A.C. 5:97-6.7, Franklin is proposing to construct 50 affordable rental units in a 100 percent affordable project in conjunction with Pennrose Properties. Pennrose has committed to reserving 15 percent of the units, or eight units, as very-low income units.

The Pennrose site is located in the northeastern portion of the Township at 718 Hamilton Street (Block 154, Lot 9). The property is 8.14 total areas. The site is located in Planning Area 1 and does not contain any environmental constraints. The site has frontage along Hamilton Street and business and residential uses surround the property. There is a shopping center in the portion of the site fronting Hamilton Street. The new development will be located on the undeveloped rear portion of the site. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

The Pennrose site is currently located in the HBC (Hamilton Street Business) District. The Township indicates that the current zoning allows the development by right.

Pursuant to N.J.A.C. 5:97-6.7(d)2, Franklin has submitted documentation demonstrating site control. The Township has submitted an executed agreement of sale between the current property owner, Levin Properties, L.P. and Pennrose Properties, LLC. Pursuant to N.J.A.C. 5:97-6.7(d)6, Franklin has submitted a breakdown of costs for the development of the project. Pennrose anticipates funding the project with Low Income Housing Tax Credits, HOME Express and the Township's affordable housing trust fund. Franklin indicates that site development plans have been prepared but that Pennrose has not yet applied for site plan approval. Franklin has submitted a construction schedule. The construction schedule indicates that building permits are anticipated to be issued in August 2011, which is within two years of substantive certification pursuant to N.J.A.C. 5:97-6.7(b)3.

Franklin is requesting 50 rental bonuses for the affordable units. Pursuant to N.J.A.C. 5:97-3.6(a)3ii, Franklin has submitted an executed developer's agreement with Pennrose confirming the commitment for rental units. The agreement was executed on April 1, 2009. The Township should note that in the event the units are not constructed in accordance with the construction schedule, Franklin may lose the rental bonuses pursuant to N.J.A.C. 5:97-3.6(a)3ii.

The Township has submitted a revised spending plan that allocates \$800,000 to Pennrose for the development of the project. The Township has submitted a draft resolution of intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e). **[50 family rental units plus 50 rental bonuses in a municipally sponsored 100 percent affordable development]**

### ***Leewood Redevelopment Area***

Pursuant to N.J.A.C. 5:97-6.6, Franklin is proposing to construct affordable rental units in the existing Renaissance 2000 Redevelopment Area. The Township's plan indicates that the

development will contain 212 total units, of which 106 will be affordable family for-sale units. Franklin has informed COAH staff that the development will now contain 209 total units, of which 105 will be affordable for-sale units.

Franklin indicates that the site was zoned MFR (Multifamily Residential) on November 25, 2008 to allow the development. In addition, there is an existing redeveloper's agreement with Leewood Renaissance at Franklin, LLC in place from April 28, 2006, which was amended on October 20, 2008, to reflect the current proposal.

Leewood has received HMFA funding approval for the first few phases of the project. Leewood received preliminary site plan approval from the Township Planning Board on May 20, 2009, and final site plan approval on December 16, 2009, for the first few phases as well. The preliminary approval was for 64 units, of which 40 would be affordable. The final approval reduced it to 40 units, of which 21 will be affordable.

Franklin has submitted a construction schedule. The construction schedule indicates that building permits are anticipated to be issued by October 2010, which is within two years of substantive certification, pursuant to N.J.A.C. 5:97-6.7(b)3, and that certificates of occupancy will be issued by June 2012.

The Leewood site is located in the northeastern portion of the Township bordered by Pine Street, Somerset Street, Oak Place and a park on Mark Street (Block 149, Lot 1-33; Block 150, Lots 26.01, 28-42, 52-85, 94-127, 136-50; Block 151, Lots 1-8, 24-50; Block 141.01, Lot 1-15). The property is approximately 10.24 total areas. The site is located in Planning Area 1 and business and residential uses surround the property. The site contains 4.11 acres of wetlands, leaving 6.13 acres as developable land. The Township indicates that the site will be served by public water and sewer and has submitted documentation demonstrating capacity.

There are existing homes and other structures on the property. The developer is in the process of acquiring all properties involved in the first two phases that have received site plan approval. The Township anticipates that Leewood will close on all the properties within the first two phases shortly. Removal of the structures will commence immediately after.

The Township's spending plan allocates \$1,000,000 for this project. The project will also receive funds from the CHOICE program. The Township has submitted a draft resolution of

intent to bond in the event of a shortfall in funding. The resolution must be adopted within 45 days of substantive certification.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Franklin must submit the required items pursuant to N.J.A.C. 5:97-6.7(e).

Franklin is requesting 35 redevelopment bonuses for the affordable units. The affordable units in this development meet the criteria for redevelopment bonuses pursuant to N.J.A.C. 5:97-3.19. **[105 family for-sale units in a municipally sponsored 100 percent affordable development, plus 35 redevelopment bonuses]**

#### ***C-R, GB & HBD Zoning Districts***

Franklin has an existing ordinance in the C-R, BG & HBD zones that provide for a presumptive density of six units per acre with a 15 percent set-aside in every residential cluster or townhouse development, which increases to a 20 percent set-aside if the development is constructed at eight units per acre. At this time, the Township is not requesting credit for any affordable units that might be developed in these zones under this ordinance. Franklin should note that this ordinance is inconsistent with N.J.A.C. 5:97-6.4(b)1.i., which states that if any of these zones are within Planning Area 1, the minimum presumptive density to assure a financial incentive is eight units per acre with a maximum 25 percent set-aside. Pursuant to N.J.A.C. 5:97-6.4(b)4 and 6.1(b)7, the ordinance must also account for reduced bulk standards and contain a development size threshold below which affordable units would not be required. In addition, Franklin may want to include a payment in lieu provision for fractional affordable units, pursuant to N.J.A.C. 5:97-6.4(c). Therefore, the Township cannot receive credit for the ordinance at this time. **[0 credits]**

### Proposed Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Habitat for Humanity II	Family For Sale	5	-	-	5
Summerfields Inclusionary Development	Family Rental	130	-	-	130
Summerfields Inclusionary Development	Age-restricted Rental	50	-	-	50
Laduree Inclusionary Development	Family Rental	58	-	-	58
Springhill Inclusionary Development	Age-restricted Rental	38	-	-	38
Campus Drive Municipally Sponsored 100% Affordable Project	Family For Sale	24	-	-	24
Leewood Redevelopment Area (Renaissance 2000 Redevelopment Area)	Family For Sale	105	Redevelopment	35	140
Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area)	Family Rental	68	-	-	68
Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area)	Age-restricted Rental	68			68
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	Rental	50	100
<b>TOTALS</b>		<b>596</b>		<b>85</b>	<b>681</b>

**Growth Share Parameters**

Franklin Township has satisfied the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>16</sup> 242 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>	<b># Units Addressing Rental Obligation</b>
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84	84
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65	0
Kovacs Inclusionary Development	Family Rental	1	0
Cedar Manor Inclusionary Development	Family Rental	28	0
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92	0
Ramirez Inclusionary Development	Family Rental	1	0
Summerfields Inclusionary Development	Family Rental	130	0
Laduree Inclusionary Development	Family Rental	58	0
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68	0
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	0
Hidden Brook at Franklin 100% affordable	Age-restricted Rental	85	85
Summerfields Inclusionary Development	Age-restricted Rental	50	35

<sup>16</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(965) = 241.25$  or 242 units - N.J.A.C. 5.97-3.10(b)3

Springhill Inclusionary Development	Age-restricted Rental	38	38
Parkside Municipally Sponsored 100% Affordable Project <sup>17</sup>	Age-restricted Rental	68	0
Devereux New Jersey group home	Supportive/Special Needs Housing	4	0
Enable, Inc. II	Supportive/Special Needs Housing	4	0
Phoenix Corp. group home	Supportive/Special Needs Housing	3	0
<b>TOTAL</b>		<b>829</b>	<b>242</b>

**Growth Share Family Rental Requirement:<sup>18</sup> 121 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>	<b># Bonuses*</b>
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84	0
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65	65
Kovacs Inclusionary Development	Family Rental	1	0
Cedar Manor Inclusionary Development	Family Rental	28	0
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92	88
Ramirez Inclusionary Development	Family Rental	1	0
Summerfields Inclusionary Development	Family Rental	130	0
Laduree Inclusionary Development	Family Rental	58	0

<sup>17</sup> Due to the age-restricted cap, only 68 out of 69 age-restricted units in this project are eligible for credit.

<sup>18</sup> Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(242)= 121 units N.J.A.C. 5:97-3.4(b)

Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68	0
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50	50
<b>TOTAL</b>		<b>577</b>	<b>203</b>
<b>Surplus</b>		<b>456</b>	

\*Subject to bonus maximum pursuant to N.J.A.C. 5:97-3.20

**Growth Share Minimum Family Requirement:<sup>19</sup> 362 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Society Hill VI Inclusionary Development surplus units	Family For-sale	35
Wynnefield/ Society Hill VIII Inclusionary Development	Family For-sale	79
Somerset Park/Westminster Mews Inclusionary Development	Family Rental	84
Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	Family For-sale	3
Fama Inclusionary Development	Family For-Sale	1
Florez Inclusionary Development	Family For-Sale	5
Habitat for Humanity II	Family For-Sale	8
Horne Associates Development	Family For-Sale	1
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	65
Kovacs Inclusionary Development	Family Rental	1
Cedar Manor Inclusionary Development	Family Rental	28

<sup>19</sup> Projected Growth Share Family Requirement: .5 (Units Addressing the Growth Share Obligation) or .5(965-241)= 362 units N.J.A.C. 5:97-3.9



Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	92
Ramirez Inclusionary Development	Family Rental	1
Somerset Douglas Inclusionary Development	Family For-Sale	8
Habitat for Humanity II	Family For Sale	5
Summerfields Inclusionary Development	Family Rental	130
Laduree Inclusionary Development	Family Rental	58
Campus Drive Municipally Sponsored 100% Affordable Project	Family For Sale	24
Leewood Redevelopment Area	Family For Sale	105
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	68
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	50
<b>TOTAL</b>		<b>851</b>

**Very Low Income Minimum Requirement:<sup>20</sup> 94 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Franklin Commons 100% Affordable Redevelopment Project	Family Rental	7
Summerfields Inclusionary Development	Family Rental	24
Laduree Inclusionary Development	Family Rental	35
Springhill Inclusionary Development	Age-restricted Rental	10
Parkside Municipally Sponsored 100% Affordable Project	Family Rental	30
Parkside Municipally Sponsored 100% Affordable Project	Age-restricted Rental	10
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project	Family Rental	10
Pennrose Municipally Sponsored 100% Affordable Project	Family Rental	8
<b>TOTAL</b>		<b>134</b>

**Age-Restricted Maximum:<sup>21</sup> 241 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Hidden Brook at Franklin 100% affordable	Age-restricted Rental	85
Summerfields Inclusionary Development	Age-restricted Rental	50
Springhill Inclusionary Development	Age-restricted Rental	38
Parkside Municipally Sponsored 100% Affordable Project <sup>22</sup>	Age-restricted Rental	68
<b>TOTAL</b>		<b>241</b>

<sup>20</sup> Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(965-241) = 94.12 or 94 units N.J.S.A. 52:27D-329.1

<sup>21</sup> Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(965)= 241.25 or 241 units N.J.A.C. 5:97-3.10(c)2

<sup>22</sup> Due to the age-restricted cap, only 68 out of 69 age-restricted units in this project are eligible for credit.

**Bonus Maximum:<sup>23</sup> 241 Bonuses**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
Devereux New Jersey group home	Group Home Rental	1
Enable, Inc. II	Group Home Rental	1
Phoenix Corp. group home	Group Home Rental	1
Pennrose Municipally Sponsored 100% Affordable Project	Rental	50
Franklin Commons 100% Affordable Redevelopment Project	Rental	65
Berry Street Commons/Blair Avenue 100% Affordable Redevelopment Project (out of 92 total units)	Rental	88
Leewood Redevelopment Area	Redevelopment	35
<b>TOTAL</b>		<b>241</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Franklin has issued certificates of occupancy for 2,371 housing units and for the non-residential square footage equivalent of 4,122 jobs, yielding an actual growth share obligation through September 30, 2008, of 732 affordable units.<sup>24</sup>

<sup>23</sup> Projected Bonus Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(965) = 241.25$  or 241 units N.J.A.C. 5:97-3.20

<sup>24</sup> The number of residential COs (2,371) is divided by 5 to yield 474.2 units and the number of jobs (4,122) is divided by 16 to yield 257.6 units. Franklin's total estimated actual growth share is therefore 732 units

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**

**Rehabilitation Share: 142 Units**

<b>Program Name</b>	<b># Units</b>
Rehab Credits	60
Rehab Program	82
<b>TOTAL</b>	<b>142</b>

**PRIOR ROUND SUMMARY**

**Prior Round Obligation: 766 Units**

	<b>Name of Mechanism</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	Central Jersey Home for the Aging	100			100
	Society Hill I Inclusionary Development	26			26
<b>Post-1986 Credits</b>	Whitehall Gardens Inclusionary Development	100	Rental	100	200
	Countryside Apartments Inclusionary Development	48	Rental	40	88
	Society Hill II Inclusionary Development	56	-	-	56
	Society Hill III Inclusionary Development	64	-	-	64

(474.2+257.6). **Note:** this estimate does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

	Beacon Hill/Society Hill V Inclusionary Development	73	-	-	73
	Society Hill VI Inclusionary Development	37			37
	Quailbrook East/Quailcrest Inclusionary Development	27	-	-	27
	Alternatives, Inc. I	11	-	-	11
	ARC group home	3	-	-	3
	Venice Avenue Community Residence	3	-	-	3
	Center for Family Support group home	5	-	-	5
	Developmental Disabilities group home	3	-	-	3
	Enable, Inc. I	4	-	-	4
	Matheny Group Home I	5	-	-	5
	Matheny Group Home II	6	-	-	6
	NJ Assoc. of Deaf/Blind Inc. group home	4	-	-	4
	Allies group home	5	-	-	5
	Allisa Care group home	5	-	-	5
	Community Options group home	3	-	-	3

	Cedar Grove Development group home	3	-	-	3
	Resource Center for Women & Families	6	-	-	6
	Perth Amboy RCA	29	-	-	29
<b>Subtotal</b>		<b>626</b>		<b>140</b>	766
<b>TOTAL</b>					<b>766</b>

### GROWTH SHARE SUMMARY

**Projected Growth Share Obligation: 965 Units**

	<b>Name of Mechanism</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Post-1986 Credits</b>	Society Hill VI Inclusionary Development surplus units	35	-	-	35
	Wynnefield/ Society Hill VIII Inclusionary Development	79	-	-	79
	Somerset Park/Westminster Mews Inclusionary Development	84	-	-	84
	Center for Great Expectations	0	-	-	0
	Devereux New Jersey group home	4	Group Home Rental	1	5
	Enable, Inc. II	4	Group Home Rental	1	5
	Phoenix Corp. group home	3	Group Home Rental	1	4

Habitat for Humanity I (21, 31, 35 Alex Place; Block 137, Lots 10.01 & 12.01)	3	-	-	3
Hidden Brook at Franklin 100% affordable	85	-	-	85
Cerda Inclusionary Development	0	-	-	0
Fama Inclusionary Development	1	-	-	1
Florez Inclusionary Development	5	-	-	5
Franklin II Associates Inclusionary Development	0	-	-	0
Habitat for Humanity II	8	-	-	8
Horne Associates Development	1	-	-	1
Franklin Commons 100% Affordable Redevelopment Project(Renaissance 2000 Redevelopment Area)	65	Rental	65	130
Girard 444 Inclusionary Development	0	-	-	0
Kovacs Inclusionary Development	1	-	-	1
Cedar Manor Inclusionary Development	28	-	-	28
Berry Street Commons/Blair	92	Rental	88	180

	Avenue 100% Affordable Redevelopment Project (Renaissance 2000 Redevelopment Area)				
	Ramirez Inclusionary Development	1	-	-	1
	Somerset Douglas Inclusionary Development- (Renaissance 2000 Redevelopment Area)	8	-	-	8
<b>Subtotal</b>		<b>507</b>		<b>156</b>	<b>663</b>
<b>Proposed Mechanisms</b>	Habitat for Humanity II	5	-	-	5
	Summerfields Inclusionary Development family rental	130	-	-	130
	Summerfields Inclusionary Development age-restricted rental	50	-	-	50
	Laduree Inclusionary Development	58	-		58
	Springhill Inclusionary Development	38	-	-	38
	Campus Drive Municipally Sponsored 100% Affordable Project	24	-	-	24
	Leewood Redevelopment Area (Renaissance 2000 Redevelopment Area)	105	Redevelopment	35	140



	Parkside Municipally Sponsored 100% Affordable Project (Renaissance 2000 Redevelopment Area) family rental	68	-	-	<b>68</b>
	Parkside Municipally Sponsored 100% Affordable Project age-restricted rental	68	-	-	<b>68</b>
	Pennrose Municipally Sponsored 100% Affordable Project	50	Rental	50	<b>100</b>
<b>Subtotal</b>		<b>596</b>		<b>85</b>	<b>681</b>
<b>TOTAL</b>					<b>1,344</b>
<b>Surplus</b>					<b>+379</b>

### III. FAIR SHARE DOCUMENT REVIEW

#### A. Development Fee Ordinance

Franklin's certified plan included a development fee ordinance that was adopted by the Township on October 14, 1997, and approved by COAH on March 10, 1998. Franklin received approval for amended development fee ordinance on October 12, 2005, and June 4, 2007. As part of its petition submitted to COAH on December 30, 2008 under the new third round rules, Franklin included an amended development fee ordinance, which was approved by COAH on December 11, 2009.

#### B. Third Round Spending Plan

Franklin's prior round spending plan was approved by COAH on December 4, 2001. A revised third round spending plan was submitted by Franklin, which was approved by COAH on May 5, 2010.

#### C. Affordable Housing Ordinance/Affordable Housing Administration

Franklin Township has an adopted affordable housing ordinance for its prior round obligation. Franklin has submitted a revised draft affordable housing ordinance that comports

with the requirements of the UHAC, which was amended on December 20, 2004, including compliance with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Township on November 6, 2006, and a resolution appointing a municipal housing liaison was adopted on January 1, 2008.

Franklin is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must designate an experienced administrative entity for that purpose. The Somerset County Coalition on Affordable Housing (SCCOAH) administers Countryside Apartments, Somerset Park Apartments, the Society Hill developments, Beacon Hill, Wynnfield and Quailbrook. Piazza & Associates are the administrative agents for Whitehall Gardens, Berry Street and Cedar Manor. The group homes are administered by the special needs providers.

Prior to marketing affordable units in any of the Township's proposed project, Franklin must submit the following to COAH:

1. A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC;
2. An affirmative marketing plan in accordance with UHAC; and
3. Designation of an experienced administrative agent, including a statement of his or her qualifications, in accordance with N.J.A.C. 5:96-18

#### **D. Affirmative Marketing Plan**

Franklin has submitted an affirmative marketing plan. The affirmative marketing plan will be reviewed for conformance with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., to ensure the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan

must be adopted by resolution by the Township and submitted to COAH.

#### **IV. SUMMARY OF MEDIATION**

##### **A. Objections**

COAH initially received four objections to Franklin's Housing Element and Fair Share Plan: by American Properties, at Cedar Grove Lane, LLC (American Properties); JP Nash/Edgewood Properties (JP Nash); Kings Row Homes, LLC (KRH); and the Franklin Township Community Force (FTCF). The Fair Share Housing Center (FSHC) submitted comments to the Township's plan that the Township has addressed.

##### **B. Mediation**

Mediation between the Township and the parties took place in COAH's offices in Trenton on April 6, 2010. The mediation session did not result in an agreement between the Township and the other parties.

Mediation concluded on April 6, 2010. The Mediation Report prepared by the mediator, Matthew H. Rudd Esq., is attached hereto as Attachment 2. The mediator concluded that there are not any outstanding issues of material fact which necessitate referral to the Office of Administrative Law.

#### **V. MONITORING**

Franklin must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Franklin in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Franklin's Housing Element and Fair Share Plan. The purpose of the

plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Franklin and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, Franklin is not adhering to its implementation schedules pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the Township to amend its plan to address the shortfall.

## **VI. RECOMMENDATION**

COAH staff recommends that Franklin Township's Mediation Report be accepted and that the Township be granted third round substantive certification. Franklin must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. This includes the affordable housing ordinance, resolution of intent to bond and all zoning ordinances.

# *Attachment 1*

## **Workbook A: Growth Share Determination Using Published Data**

(Using Appendix F(2), *Allocating Growth To Municipalities*)

### **COAH Growth Projections** **Must be used in all submissions**

**Municipality Name:**

**Franklin Township, Somerset**

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	<b>Residential</b>	<b>Non-Residential</b>
1 <b>Enter Growth Projections From Appendix F(2) *</b>	<b>3,583</b>	<b>6,853</b>
2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b>	<a href="#">Click Here to enter Prior Round Exclusions</a>	
COs for prior round affordable units built or projected to be built post 1/1/04	180	
Inclusionary Development	2	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	720	
3 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b>		
Affordable units	0	0
Associated Jobs		
4 <b>Net Growth Projection</b>	<b>2,681</b>	<b>6,853</b>
5 <b>Projected Growth Share</b> (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	<b>536.20 Affordable Units</b>	<b>428.31 Affordable Units</b>
6 <b>Total Projected Growth Share Obligation</b>		<b>965 Affordable Units</b>

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

## Affordable and Market-Rate Units Excluded from Growth

**Municipality Name: Franklin Township, Somerset**

**Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04**

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	2
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
<b>Total</b>	<b>2</b>

### Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Summerfields (P.L. 2009, c. 82)	y	900	720	180	720
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>900</b>	<b>720</b>	<b>180</b>	<b>720</b>

### Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return To Workbook A Summary](#)

## *Attachment 2*



## **FRANKLIN TOWNSHIP MEDIATION REPORT**

Franklin Township/Somerset County

COAH Mediator, Matthew H. Rudd, Esq.

COAH Planner, Maria Connolly

On April 6, 2010, mediation was held between representatives for Franklin Township and four separate objectors. The Township was represented by Mayor Brian D. Levine, Planning Board Chairman Dr. Theodore Chase, Leslie G. London Esq. and Mark Healey, PP. The four objectors were represented as follows; (1) American Properties at Cedar Grove Lane, LLC, (American Properties) represented by Ronald L. Shimanowitz Esq., Art Bernard, PP, Randy Csik, Principal and Mark Fauci, Real Estate Consultant. (2) JP Nash/Edgewood Properties, LLC, (JP Nash) represented by Frank J. Petrino Esq., and Paul A. Phillips, PP. (3) Kings Row Homes, LLC, (KRH) represented by Robert Fourniadis Esq., Creigh Rahenkamp, PP and Steve Rubin, Principal. (4) Franklin Township Community Force, (FTCF) represented by Township resident Louise LeGoff.

### **AMERICAN PROPERTIES**

American Properties is the contract purchaser for a site located at Block 468.09, Lot 34, which is presently zoned R-40, single family residential. American Properties objects to this zoning, and would like to see the site rezoned for Apartment Townhouse development. American Properties is proposing the development of 121-150 units with a 20-25% set aside for affordable housing, which could be rental units. American Properties envisions this development as three story walk up condominiums. American Properties noted that they have done a wetlands delineation study of the site. A traffic study has also been completed by the objector. The site has public water and sewer access. American Properties maintains that there will be no public resistance to the development of this site. American Properties also asserted that public funding for some of the other projects in the Township's Fair Share Plan, notably the Pennrose project, may not materialize.

The Township maintains that the Fair Share Plan as submitted to COAH was complete and sound. The Township made it clear that at this time they were not interested in amending their Fair Share Plan to include the American Properties site. The COAH Mediator, pursuant to N.J.A.C. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and American Properties. Mediation was completed and closed as to American Properties by the COAH Mediator.

## **JP NASH**

The JP Nash site, known as the Bennett's Lane-Veronica Avenue site, was previously included in the Township's 2005 Fair Share Plan. JP Nash noted that if the Park area is removed from the Bennett Lane Site, which is the common name used for this site, the 188 acres is reduced to about 80 acres for development. JP Nash advises that they have a Letter of Interpretation from the DEP pertaining to the wetlands issues on the site. Specifically, there is a C-1 tributary with two brooks on the site. The wetlands divide the site into two large parcels. Half of the site is zoned N-2, light manufacturing. The other half is zoned R-40. JP Nash noted that the objector's basic concept plan was in the Township's previous third round Fair Share Plan proposal. The inclusionary project would create 651 units. Twenty percent (20%) of these condominium units would be set aside for affordable housing. JP Nash notes that this proposal was previously deemed appropriate by the Township in the earlier third round submission. JP Nash states that they are ready, willing and able to commence the project.

JP Nash maintains that the Township's Fair Share Plan, although put forth in good faith, is overly ambitious. As to a number of the mechanisms, JP Nash asserts there is a lack of site control, funding, sewer issues and large affordable housing obligations that cannot be realistically met. Specifically, JP Nash questioned the integrity of the Leewood and Pennrose projects.

In response the Township maintains that the Fair Share Plan as presented actually exceeds the Township's obligation. The Township maintains that the process to decide on sites has been an open and transparent process. The Township asserts that JP Nash did not object to the removal of the Bennett's Lane site from the prior third round plan in December of 2005. The Township also addressed direct questions about the Pennrose and Leewood sites. It was also noted that the Township will be required to adhere to the construction schedules submitted as part of their implementation plan.

The COAH Mediator, pursuant to N.J.A.C. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and JP Nash. Mediation was completed and closed as to JP Nash by the COAH Mediator.

## **KRH**

KRH, the owner of a site located at Block 468.07, Lots 46 and 47, advised that it presently has litigation pending in New Jersey Superior Court pertaining to the site. The Township is a defendant in that action. KRH also has an application pending before the Township Zoning Board of Adjustment pertaining to a use variance for this site to allow for inclusionary development. Mr. Rahenkamp advised that the first scheduled hearing before the Zoning Board of Adjustment will be April 15, 2010. KRH requested that the mediation be adjourned until after the April 15<sup>th</sup> Zoning Board hearing. The Township opposed the adjournment request. The COAH Mediator determined that the mediation should go forward and denied the adjournment request. The COAH Mediator expressed that the adjournment request was denied due to the request being made at the time of the mediation and not prior to the scheduled mediation date, that no conflict issue arises between the COAH Mediation process and the Zoning Board hearing process, and the Township's representatives in the COAH Mediation process are not members of the Zoning Board. Further, the COAH process and the application by KRH before the Zoning Board are not interrelated as the COAH Mediation process is part of

a determination pertaining to the Township's third round Fair Share Plan, as presently presented. If the rezoning is granted it may or may not include affordable housing. A use variance determination by the Township Zoning Board of Adjustment that may affect potential development of affordable housing is a municipal land use issue presently outside COAH's jurisdiction, and therefore not relevant to the COAH Mediation process.

On the merits of the objection, KRH notes that it has been an objector to the Township's Fair Share Plan since 2005. KRH maintains that it is unlikely that the Township will obtain all of the developer's agreements presently outstanding from the named developers in the Fair Share Plan. The Township noted that those developers' agreements are due to COAH within thirty days. KRH notes that it reserves the right to contest the Fair Share Plan in Superior Court regarding COAH's rules, phasing issues and proposed set asides. Mr. Rubin asserted that there are conflict of interest issues that COAH was supposed to settle per the pending Superior Court case. The COAH Mediator noted that conflict of interest issues are not the type of matter usually associated and decided in a COAH Mediation. The COAH Mediator asked as to whether there was a court order pertaining to the conflict of interest. No court order was presented. The Township also stated that they did not believe it had ever acted in bad faith as both the Township and the Township Planning Board had acted appropriately and in an open straight forward manner pertaining to the previous applications and proposals for development put forth by KRH.

The COAH Mediator, pursuant to N.J.A.S. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not including the objector's site in a re-petition and does not have a shortfall in its Fair Share Plan. No agreement was entered into between the Township and KRH. Mediation was completed and closed as to KRH by the COAH Mediator.

## **FTCF**

The Township representatives met with the last objector FTCTF, who was represented by a resident of the Township, Ms. Louise LeGoff. FTCTF is specifically opposing the inclusion of the Laduree inclusionary development site in the Township's Fair Share Plan. FTCTF represents residents in the immediate community around the Laduree site. FTCTF had previously opposed the age-restricted development on the site before the Township Planning Board. Final site plan approval for an age-restricted development was previously granted for the site by the Township Planning Board. The Township explained that future inclusionary development on the site would require another Township Planning Board site plan approval. FTCTF maintains that a proper traffic study was never done for the site and asserts that the Historical Society should have reviewed the prior application. FTCTF also argued that the distance from the site to bus stop transportation and food shopping locations make the site impractical for potential affordable housing individuals who rely on mass transportation.

The Township explained that it attempted to address some of the concerns raised by Ms. LeGoff. They explained that a limited traffic study was provided for third round Fair Share Plan review. The Township agreed with FTCTF that any future site plan application before the Township Planning Board would require a detailed traffic study. FTCTF would have an opportunity at any future Planning Board application hearing to comment and even present a traffic expert report. The issue of Historical Society review would also have to be addressed in any future Planning Board application. It was also noted that site suitability does not necessarily require that the site be in walking distance to transportation and other amenities. The Laduree site is in a State Planning Area 1, which COAH deems a suitable location. The Laduree site was previously approved for five story construction as permitted. A height variance was not necessary. The Fair Share Plan calls for a fifteen percent set aside for affordable housing. The COAH Mediator explained to FTCTF that the issues raised in mediation can be appropriately considered again before the Township Planning Board if FTCTF decides to object to any future site plan application for the site. The proposed Laduree inclusionary development would require future site plan approvals.

The COAH Mediator, pursuant to N.J.A.S. 5:96-8.2(d), determined and stated that there are no outstanding contested issues of material fact that necessitate consideration by COAH or transfer to the Office of Administrative Law. The Township is not eliminating the Laduree inclusionary site from the Township's proposed third round Fair Share Plan. No agreement was entered into between the Township and FTCF. Mediation was completed and closed as to FTCF by the COAH Mediator.

## ***Exhibit B***

**COAH REPORT IN RESPONSE TO COMMENTS  
RECEIVED REGARDING COMPLIANCE & MEDIATION REPORTS  
FRANKLIN TOWNSHIP/ SOMERSET COUNTY  
REGION #3  
July 15, 2010**

Franklin Township, Somerset County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 31, 2008. During the 45-day objection period, Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter commenting on Franklin's Fair Share Plan. The letter was not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC did express concerns regarding second round exclusions that the Township was requesting, inclusionary zones that did not meet COAH's presumptive densities, and clarification of the Parkside redevelopment as to whether it qualifies as rehabilitation or "gut reconstruction."

On June 21, 2010, COAH issued a Mediation Report and a Compliance Report recommending approval of Franklin Township's petition for third round substantive certification. The Compliance Report indicated that the Township had addressed all of FSHC's comments. During the 14-day comment period to submit comments to the COAH Compliance Report and Mediation Report, pursuant to N.J.A.C. 5:96-6.2(b), COAH received comments from Adam M. Gordon, on behalf of FSHC, unrelated to the original comments received to the Fair Share Plan. The comments do not alter the Compliance Report.

**FSHC's Comments**

On July 5, 2010, COAH received comments from FSHC regarding Franklin's Compliance Report. FSHC states that they do not object to the granting of substantive certification to Franklin, and actually support it because the Township's plan provides a surplus of affordable units. However, FSHC is objecting to COAH's interpretation of the age-restricted conversion statute, P.L. 2009, c. 82. The Summerfields project in the Township's Fair Share Plan received approval as a "converted development" pursuant to P.L. 2009, c. 82, and, therefore, 900 residential units were subtracted from the Township's residential projection. FSHC argues that COAH has interpreted the legislation in a way contrary to statutory language and the



constitution, and without rulemaking required pursuant to the Administrative Procedures Act (APA). FSHC maintains that COAH's interpretation of P.L. 2009, c. 82 is contrary to the constitutional obligation to calculate and allocate the need for low- and moderate-income housing and double counts units in these developments. FSHC states that COAH is interpreting the phrase in the statute that states "generating any fair share affordable housing obligation," to mean that the converted units must be deducted both from projected growth share and actual growth share. FSHC argues that the deduction of the converted units should only be from the actual growth share obligation, which would be deducted at the biennial reviews, and not from the projected growth share obligation. FSHC maintains that by deducting the converted units from the statewide projected growth share of 115,666, and then also allowing them to credit the affordable units against the growth share obligation is reducing the statewide need number and also double counting. FSHC argues that N.J.A.C. 5:97-2.2(e) actually requires the units to be deducted from the actual growth share and in fact, the rule requires that if the actual growth share generated in a municipality is less than the projected growth share, "the municipality shall continue to provide a realistic opportunity for affordable housing to plan for the projected growth share." Therefore, FSHC maintains that the Legislature intended for the converted market rate and affordable units to be subtracted from the actual growth share because of COAH's rule.

FSHC further argues that COAH cannot make this administrative policy decision without notice and comment rulemaking. FSHC states that the APA and due process require a notice and comment process, and that this policy decision is a general interpretation of a statute that COAH intends to apply in future cases, and not specific to the facts in Franklin.

FSHC again emphasizes that they are not objecting to COAH granting Franklin Township substantive certification in that the Township would be eligible for substantive certification even without COAH's interpretation of P.L. 2009, c. 82 because of its surplus affordable housing units.

### **COAH's Response**

COAH staff is in agreement that the units should be deducted from the Township's actual growth share obligation. However, COAH staff recognizes that the "generating any fair share housing obligation" language included in P.L. 2009, c. 82 indicates that a municipality that converts age-restricted units to non-age-restricted units in accordance with P.L. 2009, c. 82, may incur an affordable housing obligation that is less than that based on the projected growth share obligation. This is due to the statutory requirement that the units in the converted development shall be subtracted when determining a municipality's actual growth share obligation. See N.J.S.A. 45:22A-46.5(c). Since the projected growth share obligation includes the Summerfields project, Franklin's actual obligation will always be 900 units less than the projected growth share obligations (with exclusions pursuant to N.J.A.C. 5:97-2.4). Therefore, in the case of converted units in accordance with P.L. 2009, c. 82, the statutory subtraction of the converted units from "generating any fair share obligation" has the same effect as the subtraction of an inclusionary development that goes toward meeting a municipality's prior round obligation and thus can be excluded from the municipal projection. See N.J.A.C. 5:97-2.4.